99-47

S. HRG. 98-471

NOMINATION OF HERBERT BLALOCK DIXON, JR.

HEARING

BEFORE THE

COMMITTEE ON GOVERNMENTAL AFFAIRS UNITED STATES SENATE

NINETY-NINTH CONGRESS

FIRST SESSION

ON

NOMINATION OF

HERBERT BLALOCK DIXON, JR., TO BE ASSOCIATE JUDGE, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

APRIL 4, 1985

Printed for the use of the Committee on Governmental Affairs

U.S. GOVERNMENT PRINTING OFFICE

47-243 O WASHINGTON : 1985

S401-29

COMMITTEE ON GOVERNMENTAL AFFAIRS

WILLIAM V. ROTH, JR., Delaware, *Chairman*

TED STEVENS, Alaska	THOMAS F. EAGLETON, Missouri
CHARLES McC. MATHIAS, JR., Maryland	LAWTON CHILES, Florida
WILLIAM S. COHEN, Maine	SAM NUNN, Georgia
DAVID DURENBERGER, Minnesota	JOHN GLENN, Ohio
WARREN B. RUDMAN, New Hampshire	CARL LEVIN, Michigan
THAD COCHRAN, Mississippi	ALBERT GORE, JR., Tennessee

JOHN M. DUNCAN, *Staff Director*
CAROL C. FOX, *Counsel*
MARGARET P. CRENSHAW, *Minority Staff Director*
TERRY JOLLY, *Chief Clerk*

CONTENTS

Page

Opening statements:
Senator Mathias 1
Senator Nunn 22

WITNESS

THURSDAY, APRIL 4, 1985

Herbert Blalock Dixon, Jr.:
Testimony 22
Biographical information and responses to prehearing questions 2

NOMINATION OF HERBERT BLALOCK DIXON, JR.

THURSDAY, APRIL 4, 1985

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC.

The committee met at 10:30 a.m., in room SD-342, Dirksen Senate Office Building, Hon. Charles McC. Mathias, Jr., presiding.

Present: Senator Mathias.

OPENING STATEMENT OF SENATOR MATHIAS

Senator MATHIAS. The committee will come to order.

Mr. Dixon, will you please take your seat at the table. While you are doing that, I want to offer my personal congratulations to you. On January 11 of this year, President Reagan nominated Herbert B. Dixon of the District of Columbia to be an associate judge of the superior court for a term of 15 years.

Mr. Dixon, you have been very cooperative with the staff of this committee in providing us with the necessary information in order to proceed with the confirmation hearing, and I want to express my thanks to you for that cooperation.

This nomination, as is the case with all nominations, has been the subject of very careful review. In 1978, the committee adopted rule VIII which sets forth the requirements that must be met in all confirmation proceedings that are subject to this committee's jurisdiction.

The rule required that the committee conduct an inquiry into the nominee's experience, qualifications, suitability, and integrity to serve in the position for which he has been nominated. The committee believes the rule ensures a thorough and yet a reasonable review of a nominee's background and qualifications.

I will briefly recount for the record the steps that the committee has taken on this nomination prior to today's hearing. First, the nominee was asked for and supplied detailed information as to his education, his employment, and professional achievements, as well as complete financial statements.

I might say at this point that the financial statements and biographical information are both available for inspection by the public in the offices of this committee. In addition, the biographical information of the nominee will be placed in the record as a part of the hearing.

I will so direct at this point.

[The information referred to follows:]

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

A. BIOGRAPHICAL INFORMATION

1. Name: (Include any former names used.)

   Response: Herbert Blalock Dixon, Jr.

2. Position to which nominated:

   Response: Associate Judge
   Superior Court of the District of Columbia

3. Date of nomination:

   Response: January 11, 1985

4. Address: (List current place of residence and office addresses.)

   Response:

   Residence: 2231 Sudbury Road, N.W.
   Washington, D.C. 20012

   Office : 1420 "N" Street, N.W.
   Washington, D.C. 20005

5. Date and place of birth:

   Response: November 23, 1946
   Savannah, Georgia

6. Marital status: (Include maiden name of wife or husband's name.)

   Response: Married
   July 5, 1969
   Phoebe Jeanne Boykins
   Vicksburg, Mississippi

7. Names and ages of children:

   Response: I have two children.

   Daughter: Stacey Angela Dixon
   14 years old
   DOB: January 9, 1971

   Son : Jason Herbert Dixon
   4 years old
   DOB: February 29, 1980

8. Education: List secondary and higher education institutions, dates attended, degree received and date degree granted.

Response:

A.E. Beach High School; Savannah, Georgia; attended from 1960 to 1964; diploma awarded in June 1964

Howard University (School of Engineering and Architecture); Washington, D.C.; attended from 1964 to 1970; Bachelor of Science in Electrical Engineering awarded in June 1970

Georgetown University (Law Center); Washington, D.C.; attended from 1970 to 1973; Juris Doctor awarded in 1973

Catholic University; Washington, D.C.; Summer 1971; no degree awarded

George Washington University; Washington, D.C.; Summer 1972; no degree awarded

9. Employment record: List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment.

Response:

August 1970 - July 1971	:	American Telephone & Telegraph 2000 "L" Street, N.W. Washington, D.C.
September 1971 - June 1972:		Investigator Wilhite & Farquhar 304 Independence Ave., S.E. Washington, D.C.
Summer 1972	:	Research Consultant The Police Foundation 1015-18th Street, N.W. Washington, D.C.
August 1973 - September 1974	:	Law Clerk Hon. H. Carl Moultrie, I Superior Court of the District of Columbia 451 Indiana Avenue, N.W. Washington, D.C

September 1974 - November 1974:		Military Service Lieutenant Judge Advocate General U.S. Air Force Washington, D.C.
December 1974 - April 1976	:	Attorney Self-Employed 720-5th Street, N.W. Washington, D.C.
April 1976 - September 1977	:	Attorney Dixon & Smith Reorganized As: Dixon, Smith & Turner 1030-5th Street, N.W. Washington, D.C.
September 1977 - Present	:	Attorney Dixon, Smith & Turner Reorganized As: Dixon & Turner 1420 "N" Street, N.W. Washington, D.C.

10. Government experience: List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

Response:

Law Clerk, Hon. H. Carl Moultrie, Superior Court
(listed above)

Military Service, U.S. Air Force
(listed above)

11. Business relationships: List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.

Response:

Attorney, Partner
Dixon & Turner
Attorneys-at-Law
1420 "N" Street, N.W.
Washington, D.C. 20005

Joint Owner
Office Condominium Unit
1420 "N" Street, N.W., # T-1
Washington, D.C. 20005

Sole Investor/Owner
Stacey's Stamp Store
2231 Subdury Road, N.W.
Washington, D.C. 20012

[NOTE]: I understand the response to this question (#11) does not require a listing of my attorney-client relationships absent an actual or potential or appearance of conflict of interest in the position to which I have been nominated.

12. Memberships: List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable and other organizations.

Response:

Basileus [i.e., President]
Alpha Omega Chapter
Omega Psi Phi Fraternity, Inc.
1231 Harvard Street, N.W.
Washington, D.C

Member
Omega Psi Phi Fraternity, Inc.
2714 Georgia Avenue, N.W.
Washington, D.C.

Board Member
D.C. Lung Association
475 "H" Street, N.W.
Washington, D.C.

Board Member
American Lung Association
1740 Broad Way
New York, New York

Councilmember
Combined Health Appeal of the National Capital Area
4853 Cordell Avenue
Bethesda, Maryland

Member
Washington Bar Association
2816 Georgia Avenue, N.W.
Washington, D.C.

Member
District of Columbia Bar
1426 "H" Street, N.W.
Washington, D.C.

Member
National Bar Association
1773 "T" Street, N.W.
Washington, D.C.

Member
Bar Association of the District of Columbia
1819 "H" Street, N.W.
Washington, D.C.

Member
American Bar Association
750 N. Lake Shore Drive
Chicago, Illinois

Member
Northeastern Presbyterian Church
2112 Varnum Street, N.E.
Washington, D.C.

Board of Editors
DISTRICT LAWYER MAGAZINE
1426 "H" Street, N.W.
Washington, D.C.

13. Political affiliations and activities:

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.
(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.
(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $50 or more for the past 10 years.

Response:

(a) None
(b) None
(c) The following political contributions were made, all of which were disbursed from funds of my partnership, Dixon and Turner:

6/7/84 Committee to Re-Elect Jerry Moore
(D.C. City Council) $110.00

8/31/84	Committee to Re-Elect John Ray (D.C. City Council)	100.00
10/22/84	The Dave Clarke Committee (D.C. City Council)	125.00
6/4/82	Committee for Johnny Barnes (D.C. City Council)	60.00
6/10/82	Friends of Tom Bradley (Los Angeles, California)	100.00
9/23/81	Friends of David Clarke (D.C. City Council)	50.00

14. Honors and awards: List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Response:

Outstanding Young Men in America

Omega Man of the Year
Alpha Omega Chapter
Omega Psi Phi Fraternity

Certificate of Appreciation
Alpha Omega Chapter
Omega Psi Phi Fraternity

Outstanding Service Award
D.C. Lung Association

Editor
The Bison (yearbook)
Howard University

Editor
The Howard Engineer Magazine
Howard University

Dean's List
Howard University

Who's Who Among Students in
American Colleges and Universities

15. Published writings: List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

Response: None

16. Speeches: Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

Response: None

17. Selection:
(a) Do you know why you were chosen for this nomination by the President?
(b) What do you believe in your background or employment experience affirmatively qualifes you for this particular appointment?

Response:

(a) Of the three potential candidates recommended to the President, I believe I was selected based on my extensive legal experience, demonstrated competence, and community support.

(b) I believe my reputation in the legal and lay communities affirmatively demonstrates the following qualities which members of the judiciary are expected to possess: 1) Legal ability and development, 2) Impartiality, 3) Temperament, and 4) Diligence.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?

Response:

If confirmed, I will terminate my law practice with Dixon & Turuner, Attorneys-at-Law. (Further details contained in response to C.1 and C.5). I do not plan to sell my interest in the office condominium unit located at 1420 "N" Street, N.W., Washington, D.C.. Lastly, I do not plan to terminate my investment with Philatelic Leasing Ltd. or my contract with International Collectors Guild for their management of that investment. (Further details contained in response to C.1).

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.

Response: No

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?

   Response : No

4. Has anybody made a commitment to employ your services in any capacity after you leave government service?

   Response: No

5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?

   Response: Yes

C. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers.

   Response:

   (A) PARTNERSHIP WITH JOHN A. TURNER, JR. FOR THE PRACTICE OF LAW: All fees for legal services rendered by either partner are paid to the partnership. Although the partnership is 50% owned by each principal, a formula is applied to determine the income disbursed to each. By mutual agreement, the formula changes periodically. The formula approach is used to equitably divide the partnership's net income between the two principals.

   There is no agreement between either principal and the partnership regarding deferred compensation.

   (B) JOINTLY OWNED OFFICE CONDOMINIUM UNIT WITH JOHN A. TURNER, JR.: This office unit is presently leased to the partnership referenced above. The income and expenses of this arrangement are shared equally.

(C) LEASE INVESTMENT WITH PHILATELIC LEASING LTD. (950-3rd Avenue, New York, New York): Seven year lease of stamp master (i.e., printing plate), including exclusive use of stamps produced and their images.

(D) CONTRACT WITH INTERNATIONAL COLLECTORS GUILD (P.O. Box 95, Clarksburg, New Jersey): ICG stores, distributes, markets and sells stamps and philatelic related products, the rights to which I received in the above lease with Philatelic Leasing Ltd. On a quarterly basis, ICG reports its marketing efforts and sales, deducts its commission, and pays the balance of sales to me.

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

Response: None

3. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

Response: None

4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy.

Response:

As a Board Member of the D.C. Lung Association, I have appeared before the D.C. City Council to comment on legislation concerning human or environmental health issues. I have no record or memory of the specific legislation and have requested the Lung Association staff to search their records. If this information should be located, it will be provided to the Committee.

As a member of the Washington Bar Association, I appeared before a Committee of the D.C. City Council to comment on The Parentage and Support Proceedings Reform Act of 1984 (Bill 5-366). A copy of same is attached.

SUPPLEMENTAL RESPONSES TO BIOGRAPHICAL AND
FINANCIAL INFORMATION REQUESTED OF NOMINEES

C. POTENTIAL CONFLICTS OF INTEREST

4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification or any legislation or affecting the administration and execution of law or public policy.

Supplemental Response:

As a Board Member of the D.C. Lung Association, the following activities occurred, all of which concerned human or environmental health issues:

January 20, 1982: Testimony before the D.C. Council Committee on Human Services on the FY '83 Budget of Prevention Health Servies Administration, D.H.S. (copy attached)

June 4, 1982: Correspondence to members of the D.C. City Council concerning Tuberculosis Control in the District of Columbia. (copy attached)

June 13, 1984: Comments made to the D.C. Department of Public Works concerning Waste Disposal Plans. (copy attached)

August 26, 1983: Correspondence to Mayor concerning proposed fees for services at the City's Chest Clinics. (copy attached)

DISTRICT OF COLUMBIA LUNG ASSOCIATION

1511 K STREET, NW, SUITE 1043, WASHINGTON, DC 20005

Air Quality Information Service (AQUIS)
783-5665

(202) 783-586
783-LUN

PRESIDENT
Herbert B. Dixon, Jr
VICE PRESIDENT
Alan I. Fields, MD
SECRETARY
Nancy M. Caliman
TREASURER
Charles S. Plumb, II
ASSISTANT TREASURER
Thomas A. Duckenfield
HONORARY MEMBERS
Hon. Joseph A. Califano, Jr
Paul B. Cornely, MD
Daniel L. Finucane, MD
Rev. Andrew Fowler
Margaret P. Pepper
Moe Weiss, MD
Juanita Winn
BOARD OF DIRECTORS
Earl M. Armstrong, MD
Yuill Black, MD
*Nancy M. Caliman
Brenda Cuccherini, RN
*Herbert B. Dixon, Jr
*Thomas A. Duckenfield
Blaise C. Eckert, DDS
Leslie P. Elder, RRT
Harold T. Facen, MD
*Alan I. Fields, MD
Robert J. Fink, MD
Juanita O. Fletcher, PhD
Karl E. Hammonds, MD
Marilyn B. Hartsell, MSN
Shelley M. Jackson
Patrick M. Keller
Rosalyn C. King, PharmD
Kenneth S. Kovack
Orelia W. Ledbetter
Eunice K. Lipkowitz
Jeanne Martinez
Mary Agnes McGannon
*Hon. H. Carl Moultrie, I
*Alfred Munzer, MD
Richard D. Pardo
*Charles S. Plumb, II
Gladys Scott Roberts
Alan G. Rosenberg
Barbara Lett Simmons
*Samuel V. Spagnolo, MD
Lt. Col. Claude J. Tellis, MD
Liz Tonnessen, RPT, RRT
Juanita Winn
Henry Yeager, Jr, MD
*Executive Committee
ADVISORY COUNCIL
Robert J. Anderson, MD
H.T. Beuermann
Robert L. Hackney, Jr, MD
ECUTIVE DIRECTOR
Theresa Paoletti
"The Christmas Seal People"

TESTIMONY BEFORE THE D.C. COUNCIL
COMMITTEE ON HUMAN SERVICES

ON THE FY'83 BUDGET
OF THE PREVENTIVE HEALTH SERVICES ADMINISTRATION, D.H.S.

January 20, 1982

My name is Herbert B. Dixon, and as a volunteer I serve as President of the D.C. Lung Association. I wish to comment today on the proposed FY '83 budget for the Preventive Health Services Administration, and its implications for the prevention and control of lung disease in D.C..

As the Council is well aware, last year's Federal budget decisions mean a serious decline in Federal grant support of preventive health. Total dollar amounts are being cut 25%, and categorical grants eliminated, placing critically important preventive health programs in direct competition. Which means even more difficult decisions for you as to where limited dollars go.

Therefore, I must today urge you to retain adequate funding of programs in health education/risk reduction and tuberculosis control.

First, thanks to Federal categorical grant funding, the Preventive Health Services Administration has made considerable recent progress in its support of health education/risk reduction in the District. If we are to effectively prevent illness and death among D.C. citizens - and I remind you that much illness and death is preventable: the destruction caused by cigarette smoking being only one example - we must continue to expand DHS efforts in health education/risk reduction. Please keep this in mind.

Secondly, and of most critical importance to us, is tuberculosis control, which remains one of the District's greatest public health problems. Our 341 TB cases of 1980 accounted for a rate of 53.4 per 100,000, second-highest in the nation, and 4 times the national average. Included among this reported total were:

- 10 cases among children under age 15 - a clear indicator that new disease is being transmitted in D.C.
- 19 cases among Indochinese residents, for a rate of 950 per 100,000.

These trends continued into 1981. However, TB knows no racial or ethnic bounds. Cases were distributed throughout the District, and to document this, specific ward profiles will be hand-delivered by us to each Councilmember.

I must stress, however, that you should not be misled by any appearance of dramatic improvement in total cases or case rate, since these statistical indicators invariably underestimate the magnitude of the problem, due in part to a problem of underreporting.

Therefore, we can certainly testify that the proposed TB control budget increase for FY '83 is justified. Yet at the same time, with bleak prospects for Federal categorical funding, we believe an objective assessment of how to best use available local funding is necessary.

To begin this assessment, a team of national experts in urban tuberculosis, sponsored by the D.C. Lung Association, has just completed a review of District TB services. This review was conducted in cooperation with D.H.S.. We anxiously await their recommendations, and hope to present their report to District officials within the next 30 days.

We urge the Council to give this review team's findings full consideration in their deliberations on TB control services and funding. Only then can we seriously and effectively attack our tuberculosis problem.

Thank you.

****

DISTRICT OF COLUMBIA LUNG ASSOCIATION
1511 K STREET, NW, SUITE 1043, WASHINGTON, DC 20005

Air Quality Information Service (AQUIS)
783-5665

(202) 783-5864
783-LUNG

PRESIDENT
Herbert B. Dixon
VICE PRESIDENT
Alan I. Fields, MD
SECRETARY
Nancy M. Caliman
TREASURER
Thomas A. Duckenfield
STANT TREASURER
Patrick M. Keller
NORARY MEMBERS
oseph A. Califano, Jr.
Paul B. Cornely, MD
lenuel L. Finucane, MD
Rev. Andrew Fowler
Margaret R. Pepper
Moe Weiss, MD
Juanita Winn
ARD OF DIRECTORS
ari M. Armstrong, MD
Yuall Block, MD
*Nancy M. Caliman
Earl Chism
*Herbert B. Dixon
homas A. Duckenfield
Blaise C. Eckert, DDS
Leslie P. Elder, RRT
*Alan I. Fields, MD
Robert J. Fink, MD
anita D. Fletcher, PhD
(ton E. Gray
A. Jackson
k M. Keller
Kenneth S. Kovack
Orelia W. Ledbetter
Eunice K. Lipkowitz
William S. Maguire
Jeanne Martinez
Ina Grim Morgan
ary Agnes McGannon
on. H. Carl Moultrie, I
*Alfred Munzer, MD
Richard D. Pardo
Gladys Scott Roberts
Alan G. Rosenberg
Barbara Lett Simmons
uel V. Spagnolo, MD
. Claude J. Tellis, MD
Liz Tonnessen, RRT
Juanita Winn
Henry Yeager, Jr. MD
*Executive Committee
DVISORY COUNCIL
ert J. Anderson, MD
H.T. Bauermann
t L. Hackney, Jr. MD
CUTIVE DIRECTOR
Theresa Paoletti

June 4, 1982

MEMBERS OF THE D.C. CITY COUNCIL

Dear

Tuberculosis in the District of Columbia remains a serious public health problem. City officials have recently claimed a significant drop in the 1981 case rate, but it is only the method of counting that has changed. Their new figures don't alter the risk of infection that continues to threaten new, non-infected individuals annually. Only improved methods of surveillance and containment can succeed in diminishing this disease. The recent tuberculosis-related death of an employee at a D.C. Maternal and Child Health Clinic brings this point home in a way in which we can all understand.

The D.C. Lung Association has been fighting tuberculosis locally for eighty years. We know the necessity of effective public health measures only too well. With this in mind, we present you with a copy of Tuberculosis Control in the District of Columbia, an assessment of current practices and recommendations for change. This report is the product of many months of study, including a series of consultations between a team of national experts, and local TB officials. It contains specific recommendations for the refocusing of our currently available health care resources into a system that will more effectively attack this disease.

The report emphasizes that only a well coordinated and cooperative effort among the considerable health care resources at our command in the District, can succeed in this task. We know you will be interested in the recommendations, and in working toward implementing more effective tuberculosis control throughout the District of Columbia.

We stand ready to be of service to you, and look forward to hearing from you.

Sincerely yours,

Herbert B. Dixon
President

DISTRICT OF COLUMBIA LUNG ASSOCIATION
475 H STREET, N.W., WASHINGTON, D.C. 20001

Air Quality Information Service (AQUIS)
682-0677

(202) 682-
682-LU

PRESIDENT
Alan I. Fields, M.D.
VICE PRESIDENT
Nancy M. Callman
SECRETARY
Robert J. Fink, M.D.
TREASURER
Thomas A. Duckenfield
ASSISTANT TREASURER
William S. Maguire
HONORARY MEMBERS
Hon. Joseph A. Califano, Jr.
Paul B. Comely, M.D.
Rev. Andrew Fowler
Moe Weiss, M.D.
Juanita Winn
BOARD OF DIRECTORS
Earl M. Armstrong, M.D.
H.T. Beuermann
Yulil Black, M.D.
*Nancy M. Callman
Earl K. Chism
Virginia L. Crandall, R.N.
John K. Darr
*Herbert B. Dixon
*Thomas A. Duckenfield
*Alan I. Fields, M.D.
*Robert J. Fink, M.D.
Juanita D. Fleicher, Ph.D.
Houston E. Gray
Earl E. Hammonds, M.D.
Elizabeth H. Hicks
Shelley M. Jackson
Eunice K. Lipkowitz
*William S. Maguire
Mary Agnes McGannon
Ina Grim Morgan
*Hon. H. Carl Moultrie, I
Gladys Scott Roberts
Alan G. Rosenberg
Mayer H. Sharlin
Barbara Lett Simmons
Samuel V. Spagnolo, M.D.
LTC Claude J. Tellis, M.D.
*Harold Weiss, M.D.
Lorraine A. Williams, Ph.D.
Juanita S. Winn
Robert L. Woodson
Henry Yeager, Jr., M.D.
PAST PRESIDENTS
H.T. Beuermann
Richard W. Brown
Herbert B. Dixon
Kenneth S. Kovack
Orella W. Ladbetter
Alfred Munzer, M.D.
Harold M. Silver, M.D.
Roscoe C. Young, Jr., M.D.
EXECUTIVE DIRECTOR
Allen D. Anderson
*Executive Committee

COMMENTS OF DISTRICT OF COLUMBIA LUNG ASSOCIATION
BEFORE THE D.C. DEPARTMENT OF PUBLIC WORKS
June 13, 1984

RE: Waste Disposal Plans

My name is Herbert Dixon. I am the immediate Past President and a current member of the Board of the District of Columbia Lung Association. The goal of the Lung Association is the prevention and control of lung disease. Our comments tonight are based on concern for the lung health of the residents of the District.

While we recognize the public health and economic benefits of quick and easy disposal of both solid waste and sewage sludge, we continue to be concerned about incineration as a form of disposal, particularly an increase above that now taking place at Solid Waste Reduction Center #1 under the special variance from the City Council. We urge that the Department of Public Works continue to explore alternatives that do not require combustion.

The proposals made by the consultants' report make a number of assumptions about legislative changes, ability to obtain operating permits, and operating conditions at new facilities. Solid Waste Reduction Center #1 has had a history of problems and air pollution violations as equipment deteriorated and correction attempts have been delayed. This does not argue well for optimum performance of new facilities over the long-term, including the capability of air pollution control equipment to effectively deal with a varying waste

HEALTH APPEAL
COMBINED FEDERAL CAMPAIGN
THE CHRISTMAS SEAL PEOPLE®
FOUNDED IN 190

stream without deterioration. The consultants' report mentions "private" ownership and operation of the SWRC facility. It is not clear to us what the implications of this would be for operating and pollution control oversight by the District Government.

If the Department proposes and the Council agrees to the consultant's recommendations, we have the following comments:

1) Any exemptions to air pollution control regulations to permit operation of either or both of the proposed combustion facilities should be allowed only as variances subject to periodic review, not as permanent changes to the regulations.

2) Any combustion facility should be held to lowest achievable emission rates, with regular inspection of control equipment and periodic monitoring.

3) Other forms of sludge disposal should also be monitored for air quality impact in the form of odor, aerosols, aspergillus and other toxic organisms, and any other release of harmful substances.

4) All plans for combustion or other disposal should include operator training and good supervision regarding a) equipment use and maintenance to maintain optimum operating conditions and least emissions, and b) personal protection from respiratory and other hazards. An emergency plan for accidents with toxic chemicals should be developed, including adequate training.

5) No current activity or plans should be allowed to restrict future options to in any way force the building of a future combustion facility as described for 1997.

Thank you.

DISTRICT OF COLUMBIA LUNG ASSOCIATION

~~1616 K STREET, NW, SUITE 1048, WASHINGTON, DC 20006~~

~~783-5866~~

NEW ADDRESS: ~~(202) 783-~~ 2854
475 H Street, N.W.
Washington, D.C. 20001
Tel: 682-5864

PRESIDENT
Herbert B. Dixon
VICE PRESIDENT
Alan I. Fields, MD
SECRETARY
Nancy M. Calman
TREASURER
Thomas A. Duckenfield
ASSISTANT TREASURER
Patrick M. Keller
HONORARY MEMBERS
Hon. Joseph A. Califano, Jr.
Paul B. Comely, MD
Daniel L. Finucane, MD
Rev. Andrew Fowler
Margaret R. Pepper
Moe Weiss, MD
Juanita Winn
BOARD OF DIRECTORS
Earl M. Armstrong, MD
Yuill Black, MD
*Nancy M. Calman
Earl Chism
*Herbert B. Dixon
*Thomas A. Duckenfield
Blaise C. Eckert, DDS
Leslie P. Ekler, RRT
*Alan I. Fields, MD
Robert J. Fink, MD
Juanita D. Fletcher, PhD
Houston E. Gray
Shelley M. Jackson
*Patrick M. Keller
Kenneth S. Kovack
Orelia W. Ledbetter
Eunice K. Lipkowitz
William S. Maguire
Jeanne Martinez
Ina Grim Morgan
Mary Agnes McGannon
*Hon. H. Carl Moultrie, I
*Alfred Munzer, MD
Richard D. Pardo
Gladys Scott Roberts
Alan G. Rosenberg
Barbara Lett Simmons
*Samuel V. Spagnolo, MD
Lt. Col. Claude J. Tellis, MD
Liz Tonnessen, RRT
Juanita Winn
Henry Yeager, Jr. MD
*Executive Committee
ADVISORY COUNCIL
Robert J. Anderson, MD
H.T. Beuermann
Robert L. Hackney, Jr. MD
EXECUTIVE DIRECTOR
Theresa Paolerd

August 26, 1983

with cc list

Hon. Marion S. Barry, Jr.
Mayor
District of Columbia
District Building
Washington, D.C. 20004

Dear Mayor Barry,

We are writing to you to express our concern about the fees for service at the District's Chest Clinics. This proposal would seriously compromise the City's very important tuberculosis control program. The proposed fee-for-service at D.C. health clinics, particularly as it applies to the Tuberculosis Clinic (Area C Chest Clinic), would jeapardize the public health; it would be unworkable; it would be counterproductive; and it would appear to be contrary to statutory mandate.

Tuberculosis is a serious communicable disease, spread primarily by coughing. For many years the District has had a tuberculosis case rate among the highest in the country for major cities. Last year there were 228 newly reported cases in the District, and there may be even more cases in the community that go unreported. Effective tuberculosis control includes proper and timely diagnosis of patients, and continuing management of known cases to insure that they maintain their medication for as long as necessary. Close contacts of known cases must also be tested to see if they have become infected, and treated appropriately if they have.

Without an aggressive program of case finding, treatment and follow-up, the public health of all D.C. residents is jeopardized. Charging for clinic services would impose a significant obstacle to individuals in need of care. The financial questions are compounded by issues of patient confidentiality which would further deter people form seeking appropriate care.

The proposed fee for services appears to be contrary to statutory mandate. Current D.C. law (D.C. Code Ann. S 32-322, Supp. V. 1978) calls for diagnosis and treatment of TB cases regardless of ability to pay. Precisely because of the infectious nature of tuberculosis and the public health danger involved, D.C. lawmakers have legislated strong public health measures against the disease. A change in that law would be a serious abdication by the District Government for the protection of the public health in D.C.

The D.C. Tuberculosis Control Program is attempting to crack down selected TB patients on the streets and directly administer their medication. These procedures are sometimes made necessary when the patient has no permanent address, and no sense of responsibility for his own cure. These individuals often have no money as well. To ask them to pay for their medication would be senseless.

We know of now other state of city having a fee for service for tuberculosis. Additionally, instituting fee-for-service may jeopardize the funds received from the Federal Government for tuberculosis control. In September 1982, D.C. was approved to receive nearly $75,000.00 of Federal funds to hire outreach workers for TB control. To date they have not yet been hired. Federal TB control funds are being unused while the District Government contemplates charging TB patients a fee for the care to which they are entitled by law.

We strongly urge you to reject fee-for-service for the Tuberculosis Control Program, and seriously question fee-for-service for other programs as well.

We would appreciate your reply on this important matter. Please note our new address, since January, is 475 H Street, N.W., Washington, D.C. 20001; phone 682-5864.

On a related matter, we want to let you know how much we appreciate the cooperation of the District Government in responding to our Freedom of Information request regarding tuberculosis. The procedures manuals used by the District's Tuberculosis Control Program have been received in our office. We have also been invited to review individual patient records at the Area C Chest Clinic. We look forward to continuing to work closely with the District Government on the important public health issue of tuberculosis.

Sincerely,

Harold Weiss, MD

Harold Weiss, M.D.
President
D.C. Thoracic Society

Herbert Dixon

Herbert Dixon
President
D.C. Lung Association

cc: Mr. Rivers
Dr. Levy
Dr. Swann

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your response to the above items. (Please provide a copy of any trust or other agreements.)

Response:

If confirmed by the Senate,

(A) I will enter an agreement with John A. Turner, Jr. to dissolve our partnership which presently exists for the practice of law. This agreement may include immediate or extended payment to me of my capital account, and fees (earned and contingent) which have not been received by the firm.

(B) I will not preside over any matter which was pending in my law office at the time of my departure.

(C) I will not preside over any matter in which John A. Turner, Jr., Esquire is a counsel or party during the term of our joint ownership of the office condominium unit located at 1420 "N" Street, N.W., Washington, D.C.

(D) I will not preside over any matter involving my present partner, associate, or successor law firm within one year of my departure.

(E) Absent any of the instances listed above, I will advise the parties of any apparent or potential conflict and decide the question of recusal based on their positions or as the circumstances warrant.

6. Do you agree to have written opinions provided to the Committee by the General Counsel of the agency to which you are nominated and by the Attorney General's office concerning potential conflicts of interest or any other legal barriers to your serving in this position?

Response: Yes

D. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

Response: No

2. Have you ever been investigated, arrested, charged or held by any Federal, State, or other law enforcement authority for violation of any Federal, State, county or municipal law, regulation or ordinance, other than a minor traffic offense? If so, provide details.

   Response: No

3. Have you or any business of which you are or were an officer ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

   Response:

   Yes, civil litigation only, all in Superior Court of the District of Columbia as listed below:

   No. SC 13717-77: I sued Time Oil Company for damage to a stone retaining wall at my home, 2800-18th Street, N.E. Judgment was awarded in my favor in the amount of $285.

   Nos. SC 8012-72 and SC 8187-72: My wife and I were sued for an alleged medical bill by Allen Widome, M.D. We filed a counterclaim against Dr. Widome. Our counterclaim was settled, and the case was dismissed.

   No. C.A. 1595-73. I was sued for damages based on an automobile accident in which I was involved. The case was dismissed by the Clerk of the Court pursuant to Rule 41-I(a).

   No. L&T 78582-80: My business partner, John A. Turner, Jr. and I were sued by David Clarke and Associates, Inc. for failure to pay an alleged retroactive rent increase related to our office space at 1420 "N" St., N.W. A trial by jury resulted in judgment in our favor.

4. Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense?

   Response: No

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered with your nomination.

   Response: None

E. FINANCIAL INFORMATION (Retained in committee files.)

SUPPLEMENT FOR D.C. JUDGE NOMINEES

F. QUESTIONS CONCERNING STATUTORY QUALIFICATIONS PURSUANT TO DISTRICT OF COLUMBIA COURT REFORM AND CRIMINAL PROCEDURE ACT OF 1970, SEC. 11-1501(B) OF THE D.C. CODE AS AMENDED

1. Are you a citizen of the United States?

   Response: Yes

2. Are you a member of the bar of the District of Columbia?

   Response: Yes

3. Have you been a member of the District of Columbia bar for at least 5 years? (Give year in which you became a member.)

   Response: Yes (1973)

4. If the answer to No. 3 is "No" --

   (a) Are you a professor of law in a law school in the District of Columbia?

   (b) Are you an attorney employed in the District of Columbia by the United States or the District of Columbia?

   (c) Have you been eligible for membership in the bar of the District of Columbia for at least 5 years?

   (d) Upon what grounds is that eligibility based?

   Response: Not applicable

5. Are you a bona fide resident of the District of Columbia?

   Response: Yes

6. Please state the addresses of your actual place of abode (including temporary residences) with dates of occupancy for the last 5 years.

   Response: 2231 Sudbury Road, N.W.
   Washington, D.C.
   (since 1977)

7. Have you maintained an actual place of abode in such area for at least 5 years?

   Response: Yes

8. Are you a member of the District of Columbia Commission on Judicial Disabilities and Tenure or the District of Columbia Judical Nomination Commission?

   Response: No

9. Have you been a member of either Commission within the last 12 months?

   Response: No

Senator MATHIAS. The committee proceeded to review the nominee's biographical and financial information as well as reports submitted by the Office of Judicial Ethics. Following that, I had an opportunity to review the report of the Federal Bureau of Investigation, which is a routine procedure, and that was also submitted for the review of the ranking minority member, the Senator from Missouri, Mr. Eagleton.

Finally, we did conduct individual interviews through staff members, who then reported to all the members of the committee with respect to the qualifications of the nominee.

So we arrived at this point, Mr. Dixon, which I know you have been looking forward to and which I am glad you were able to arrange for today.

Mr. DIXON. Thank you, Mr. Chairman.

Senator MATHIAS. Before we proceed further, I would like to include at this point in the record an introductory statement by Senator Nunn who was unable to be here this morning.

[The statement referred to follows:]

STATEMENT OF SENATOR SAM NUNN

Mr. Chairman, I regret that Armed Services Committee business prevented me from being here personally this morning to introduce Herbert Bialock Dixon, Jr., to the committee.

Herbert was born in Savannah, Georgia, and grew up in a well respected Savannah family. His father, now retired from the U.S. Postal Service, was widely known and admired by generations of local citizens.

An honor graduate in high school, Herbert continued his studious habits in college, earning a degree in electrical engineering from Howard University, while serving as editor of the college yearbook and the Howard Engineer Magazine.

Later, he returned to school at Georgetown University where he earned his Juris Doctorate in 1973.

Herbert has both the experience and the ability to be an Associate Judge in the Superior Court of the District of Columbia. He served as a law clerk for Judge Carl Moultrie and worked briefly in the Air Force Judge Advocate General's office. He has been successful in a private law practice and is presently a partner in the firm of Dixon & Turner.

In addition to his experience, Herbert has the personal commitment necessary to be an outstanding public servant. He has been active in a number of community organizations, serving as a board member of the D.C. Lung Association and the American Lung Association. He has also been active in several bar associations and is on the Board of Editors for the District Lawyer Magazine.

Herbert and his family are members of the Northeastern Presbyterian Church.

I am delighted that Herbert has been nominated for this important position of public trust, and I am pleased to add my support for his confirmation.

Senator MATHIAS. Under the rules of the committee, all witnesses at nomination hearings must testify under oath. So I will ask you to stand, and raise your right hand, and take the oath.

Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DIXON. I do, sir.

TESTIMONY OF HERBERT BLALOCK DIXON, JR., NOMINEE FOR ASSOCIATE JUDGE, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Senator MATHIAS. In addition to the rather detailed information that you have already submitted and which is a part of the record, there are some general questions that I would like to propound to you now.

Is there anything of which you are aware in your personal background or in your professional career which might present a conflict of interest with the duties of the office to which you have been nominated?

Mr. DIXON. No; there is not, Mr. Chairman.

Senator MATHIAS. Do you know of any reason, any personal reason, or other reason of any kind, that would in any way prevent you from fully and honorably discharging your responsibilities?

Mr. DIXON. I know of no reason, Mr. Chairman.

Senator MATHIAS. This next question is a tough one, because none of us can look into the crystal ball of the future and tell exactly what is going to happen, but insofar as it is possible to look in your future, if you are confirmed by the Senate, would it be your intention to serve the full 15-year term of office?

Mr. DIXON. That is my intention, Mr. Chairman.

Senator MATHIAS. Have you ever been involved in civil litigation, or administrative, or legislative proceedings of any kind, either as a plaintiff, defendant, respondent, witness, or party in interest which is directly or indirectly related to the judgeship for which you have been nominated?

Mr. DIXON. Although I have been involved in litigation, Mr. Chairman, none of it has been indirectly or directly related to the position for which I have been nominated.

With respect to the litigation I have been involved in, full information regarding those matters has been provided to the staff.

Senator MATHIAS. I have reviewed that record, and I would see nothing in conflict there. There is nothing beyond that?

Mr. DIXON. There is nothing beyond that, Mr. Chairman.

Senator MATHIAS. Have you or any member of your immediate family ever been involved in any controversy or litigation with tax authorities of the Federal Government, of the District of Columbia, or of any State, or local government of the Union?

Mr. DIXON. There are two matters I should mention briefly, Mr. Chairman. The first matter is a 1981 audit of my law firm. That audit was called a TMCP audit, Taxpayer Maintenance Compliance Program audit. As the auditing official advised us, statistically, there was a better probability of winning the D.C. lottery than being selected for that audit. It is the audit by which the IRS gains its statistics for future audits, and it consists of a line-by-line review of expenses, income, trust account receipts, and disbursements, et cetera. That audit has long since been over, and it is totally resolved.

The second matter is an ongoing audit of my personal 1982 Federal tax return. The Internal Revenue Service has requested substantial information and documentation from me with respect to an investment I made in 1982. That information has been given to the Internal Revenue Service, and the matter is still awaiting their final determination. I have provided to the staff all of the information of which I am aware concerning the ongoing audit by the IRS and my position with respect to the deductions and credits taken.

Since this is still a matter that is pending, I should assure you, Mr. Chairman, that if there is a determination against me with respect to that audit, I will fully comply with the final determination

by the Internal Revenue Service. However, the matter has not yet been resolved.

Senator MATHIAS. I think your answer is fully consistent with the records on file. Again, I see no serious difficulty raised by the ongoing audit.

Although you do not perceive that you have any conflict of interest at the present, it is not inconceivable that some conflict might arise in the future relating to past professional relationships or other matters. How would you propose to resolve any potential conflict of interest that might arise while you are a member of the bench?

Mr. DIXON. If my nomination is confirmed, Mr. Chairman, there are certain conflicts which I know I would have to address immediately. First, I would have to enter into a dissolution agreement with my partner, John A. Turner, Jr., which currently exists for the practice of law. Second, assuming my confirmation, and if I become a judge of the superior court, I would recuse myself from all matters that were pending in my office at the time of my departure.

Additionally, I would recuse myself from all matters in which my present partner, John A. Turner, is counsel while we are joint owners of certain real estate in the District of Columbia. Last, I would recuse myself from any matter involving my partner, my associate, and any successor law firm for at least 1 year. Absent any of the above, I would advise the parties and counsel of any apparent or potential conflict of interest and then decide the question of recusal based on their position and as the circumstances warrant.

Senator MATHIAS. To be elevated to the bench is, of course, a very rare experience for any person. To sit in judgment on your fellow citizens is a serious responsibility. I am wondering if you could tell us, briefly, what it is in your own background, your own education, your own professional experience that, in your opinion, makes you qualified to sit in judgment.

Mr. DIXON. I would have to say that it is my total life experiences. I will summarize the important points very briefly.

My undergraduate degree is in electrical engineering from Howard University. I am originally from Savannah, GA. I obtained my juris doctor degree in 1973 from Georgetown University. I then became a member of the D.C. bar. I was a law clerk immediately following that for 1 year in superior court. I clerked for the Honorable H. Carl Moultrie I, who at that time was an associate judge of superior court. He is now the chief judge of superior court.

After the clerkship, I was a claims attorney with the U.S. Air Force. I entered private practice in December 1974, and I have been in private practice from that time until the present. My practice has covered criminal litigation, civil litigation, domestic litigation, administrative litigation, and I have represented and counseled individuals and small corporations.

I believe that I have earned a reputation in the legal and the lay communities as being a competent attorney; having the requisite judicial temperament, having an ability to be impartial and decide matters based on the merits as opposed to any other factors, and I submit, if I may just toot my own horn one moment, I believe I have been diligent in everything in which I have been involved. I

believe, as a very brief summary, all of these factors suggest that I am a good candidate for Superior Court of the District of Columbia and that I would make an excellent judge.

Senator MATHIAS. Well, I am glad to hear that you approach this responsibility with confidence, because I think you have to have confidence in yourself in order to perform the duties with distinction.

Litigation, of course, is an important qualification of presiding in a trial court, especially a court in which cases begin. Would you outline a little bit in particular the experience you have had in litigating both in civil and criminal cases?

Mr. DIXON. Yes, sir. Upon my entry into private practice in 1974, I was substantially involved in criminal litigation. In essence, my practice at that time consisted of receiving appointments to represent indigent defendants, mostly in the Superior Court of the District of Columbia. I have represented defendants in misdemeanor criminal cases on more occasions than I can count at this time. I have represented defendants in serious felony cases at least an equal number of times. I have been involved in the full gamut of criminal charges prosecuted in Superior Court of the District of Columbia as far as providing legal representation is concerned.

Starting about 1978, deliberately, I made a decision to let my practice shift, shift away from the criminal law because I had become involved in a substantial amount of civil litigation. I stopped taking, at that time, appointments to criminal cases. I have been involved both as plaintiff's and defendant's counsel in personal injury cases. I have been litigation counsel in medical malpractice cases; in wrongful death cases; in contract dispute cases; and in civil assault cases.

Thereafter, my practice continued to shift, and I became involved in domestic relations matters and also in administrative matters. Domestic relations matters take a special type of temperament because of the emotions involved, I have represented not only husbands and wives, I have even represented children in domestic relations disputes.

Additionally, with respect to the administrative practice, I have been involved in complicated cases before the District of Columbia Public Service Commission involving Washington Gas Light Co. and Potomac Electric & Power Co. I have also been involved in administrative matters before the Office of Employee Appeals, the National Labor Relations Board, and other administrative agencies in the District of Columbia.

I was happy to find that all of the litigation experience and skills I gained, starting with my practice of criminal law, were transferable to the new forum. My litigation experience has been extensive, as I have outlined to you, and I believe it qualifies me to be able to sit and be the arbiter of litigation.

Senator MATHIAS. It is important, I think, in any just society that judges be familiar with the people and the area in which they are conducting court. You have been a local attorney, you have had a local practice, as you have just been telling us. You have been practicing in local courts. So I think you have a basic understanding of some of the problems that accompany the administration of justice in recent years. I am sure your association with Chief Judge Moul-

trie has given you some insights into the problems of being a good judge. You know of his grave concern for the administration of justice, for having enough dedicated judges who will move along the great volume of business; a concern that he expresses to me with great regularity.

But in addition to being intelligent and diligent, there is a question of temperament. What do you think is meant when people talk about a judicial temperament?

Mr. DIXON. In my opinion, Mr. Chairman, judicial temperament has evolved into a term of art. It is thought of in a positive vein. It's an outward manifestation of certain inner qualities we look for and hope for in our judicial officers. It's the ability to treat counsel, litigants, witnesses, subordinates, and colleagues with respect and with dignity. Although a judicial officer has the duty to manage an efficient, effective, and a fair trial, he has an obligation, as this hinges on judicial temperament, to not pressure criminal defendants to plead guilty; he has a duty to encourage settlement in civil cases, but to not coerce civil litigants.

Also, under judicial temperament, that term of art has evolved to include legal ability and development, as I spoke about, impartiality and diligence in the office. That would be my definition of judicial temperament.

Senator MATHIAS. I think that is a very comprehensive definition and one that I would generally agree with. Sometimes people's outlook changes, and they view if from the altitude of the bench. Do you think you will feel any different when you are sitting there and looking down?

Mr. DIXON. If my nomination is confirmed, Senator Mathias, and I have been previously asked that type of question by others, my response is I will continue to be the same type of person that I was before I was nominated. Even though I may be perceived differently, it's my intention, to the extent possible, to continue to be Herbert B. Dixon, Jr., the same one whose name was sent by the Judicial Nomination Commission to the President, and the same Herbert Dixon who was nominated to be confirmed by the Senate. I intend to be the same person, Senator Mathias.

Senator MATHIAS. I think that is a very worthy aspiration. I have always felt that one of the greatest things you could say about a great man is that the friends of his old age were the friends of his youth and they never changed. So I think it is important to maintain that even temperament and an even outlook.

One last question: law schools, I think, are more vigorous than they were when I attended the University of Maryland Law School. Courses are perhaps harder, and the curriculum is more comprehensive. But even so, law students don't learn all they need to know about the practice of law in the course of attending law school. There has to be an ongoing process of education. It is my personal view that the bench has a very serious responsibility for this ongoing education of lawyers. Sometimes I say young lawyers, but I think on reflection, all lawyers need to have some ongoing education, some application and discipline, some encouragement to improve their professional qualifications, some encouragement to improve their knowledge of the law.

What do you feel about the role of judge as an educator?

Mr. DIXON. I feel that education is one of the public service aspects of that position. I remember too well my third year in law school when I was a member of the Criminal Justice Clinic and allowed to litigate before the courts, that I had the opportunity to talk with and be advised by many superior court judges, and that has stayed with me.

In addition, I had that opportunity with Judge Moultrie to have the chance to talk with the person who was viewing the litigation; what was it all about, in terms of the presentation by the attorneys, that most helped him to reach the proper decision; what could the attorneys have done better. Indeed, after I left Judge Moultrie and I was on my own, I found that many judges of superior court were approachable from the standpoint of advising what is required of an attorney in court; how should he or she conduct themselves; what is it the judge most needs to hear and to see?

The judge has that obligation. I think also, although a judge is prohibited from giving legal advice, if you will, a judge has an obligation to continue to be available to talk about the law so that the citizenry of the District of Columbia can just hear about it. How is it that the court functions? What does the court look for when deciding a particular type of issue?

So the duty of a judicial officer is extremely important, not only in terms of educating young attorneys, but also in terms of educating the public. I see it as a vital and important part of the duties of that office.

Senator MATHIAS. You mentioned Judge Moultrie. Certainly, he is a role model for this function. He has engaged himself in his duties far beyond the mere process of presiding in courtrooms. He has shown a broad personal sense of responsibility.

I think, too, that the question of temperament enters into the educational phase. If I could recall from my own experience the impact that different judges have had on me, I remember as a young lawyer having made mistakes in the courtroom and some judges would snarl, reprimand you from the bench, embarrass you in front of your brothers—there weren't many sisters in those days—and I suspect that the human reaction to that is to want to forget.

Whereas other judges would call counsel to the bench. I remember one in particular whose form of reprimand was very gentle. He used to say: "I never heard that particular point of law. Could you explain it to me?" It didn't take long to realize that no such point of law ever existed. [Laughter.]

I remember that. I am quoting it to you right now, because it was his gentle, firm way of making the point that makes me remember it to this day. Whereas the other fellows I don't even want to think about. So it is a judge's courtroom manner that makes a great difference.

Again, Mr. Dixon, I congratulate you. Do you have any members of your family that you would like to introduce at this point?

Mr. DIXON. Yes; I have one member of my family present, my wife, Mrs. Phoebe Boykins Dixon, originally from Vicksburg, MS.

Mrs. DIXON. Good morning, Mr. Chairman.

Senator MATHIAS. We are very happy to have her here today and congratulate her also.

Mr. DIXON. I also have many, many friends in the audience, and I would just like to categorize the friends as being from the D.C. Lung Association; from Omega Psi Phi fraternity, and there is also a friend from my hometown who is in the office of Congressman Lindsay Thomas from Savannah, GA. Also present from the office of Dixon & Turner are my partner, John A. Turner, Jr., our associate attorney, Marie A. Fitzgerald, and our secretary, Patricia Warren Harris. This nomination has caused me to realize that a lot of people support it and support me, and I am just thankful that they have turned out this way to show their support.

Thank you, Mr. Chairman.

Senator MATHIAS. Thank you very much, Mr. Dixon.

Let me ask a question which I always pose at the end of a hearing of this sort. Is there any person here who has any reason to object to the confirmation of Mr. Dixon or any information which bears upon his confirmation?

If not, the committee will stand in recess, subject to the call of the Chair.

[Whereupon, at 11 a.m., the committee was recessed, subject to the call of the Chair.]

○